

YOUR RIGHT TO APPEAL

(DEPENDENCY)

What is an appeal?

An appeal is the way to ask if the juvenile court made a significant legal mistake in your case. An appeal is decided by the appeals court. The appeals court will not change your case or give you a chance to re-do your case unless the juvenile court made a significant legal mistake in your case.

What happens if you appeal?

Appeals take a long time, generally at least six months. It is very unlikely that the court of appeals will change anything until the appeal is over, and only then if you win. For example, it is very unlikely that the court of appeals will change child custody arrangements until an appeal ends, and only then if you win.

If you want an appeal, you only have 15 days from a final order to start an appeal. The notice you would like to appeal **MUST be filed within the 15 days**. Also, your lawyer cannot start an appeal for you until you talk to your lawyer and request an appeal after the court makes a final order.

How does an appeal work?

The appeals court checks over what happened in juvenile court to see if the judge made a significant legal mistake. To do this, the appeals court looks at the legal papers and transcripts. Transcripts are written “scripts” of everything that was said in court. The appeals court will not look at anything new: The appeals court looks only at what already was done in juvenile court.

When the appeals court checks for a legal mistake, it looks at the following. Did the court do something that the law does not allow? Did the court use the wrong law? Did the court misunderstand the law? Did the court make a without any evidence to support it? The appeals court views the evidence in the light most favorable to upholding the ruling of the court. The appellate court will not reweigh the evidence; instead it will see if there is any evidence to support the finding of the judge.

If there was a legal mistake, the appeals court checks to see if the mistake was significant. If the case would have turned out the same even without the mistake, then the mistake is small or harmless, and nothing will change. If the mistake was large enough to change the whole case, things might change: The appeals court might vacate (undo or cancel) what the juvenile court did, or the appeals court might let the person re-do the case.

When can you appeal?

You can appeal within 15 days of when the court makes a final order. Final orders that can be appealed are a dependency adjudication, a dependency disposition, a subsequent order reaffirming a child’s dependent status, a subsequent order ratifying or changing a child’s placement, an order terminating visitation, and a severance.

If you wait longer than 15 days, you cannot appeal.

Who decides if you will appeal?

You are the one who decides if you want to appeal or not.